

GREGORY P. O'HARA, CA BAR NO. 131963
gohara@nixonpeabody.com

LISA A. COLE, CA BAR NO. 184267
lcole@nixonpeabody.com

TALLEY M. HENRY, CA BAR NO. 203131
thenry@nixonpeabody.com

NIXON PEABODY LLP
 2 Palo Alto Square
 3000 El Camino Real; Suite 500
 Palo Alto, CA 94306
 Telephone: (650) 320-7700
 Facsimile: (650) 320-7701

Attorneys for Plaintiff
 DELPHON INDUSTRIES, LLC dba GEL-PAK

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

DELPHON INDUSTRIES, LLC dba GEL-PAK, a Delaware limited liability company,

Plaintiff,

v.

INTERNATIONAL TEST SOLUTIONS, INC., a Nevada corporation;
 INTERNATIONAL TEST SOLUTIONS, INC., a California corporation; JOYCE FREEZE, an individual; and ALAN E. HUMPHREY, an individual,

Defendants.

Case No. CV-11-01338 PSG

**STIPULATION AND ~~PROPOSED~~ ORDER
 CONTINUING HEARING ON
 PRELIMINARY INJUNCTION AND
 SETTING REVISED BRIEFING
 SCHEDULE**

Judge: Paul S. Grewal,
 United States Magistrate Judge

WHEREAS in its Order dated May 10, 2011, the Court set a hearing date of May 31, 2011 for Defendant INTERNATIONAL TEST SOLUTIONS, INC.'s Motion for Preliminary Injunction; the Court's Order also stated live testimony will be permitted at the hearing and that discovery proceedings may commence immediately in the matter;

WHEREAS, the witnesses INTERNATIONAL TEST SOLUTIONS intends to present at the hearing will not be available to prepare for and participate in discovery proceedings prior to May 31,

1 2011 in light of previously scheduled travel plans;

2 WHEREAS, the parties have met and conferred regarding the continuance of the May 31
3 hearing date and briefing schedule as well as discovery proceedings that will occur prior to the
4 hearing on the preliminary injunction;

5 THEREFORE, the parties propose the following schedule subject to the availability of the
6 Court:

7 Hearing on Motion for Preliminary Injunction: July 19 at 10:00 a.m.

8 ITS Moving Papers Due: July 6

9 Delphon's Opposition Brief Due: July 13

10
11 Dated: May 13, 2011

NIXON PEABODY LLP

12
13 By /s/ GREGORY P. O'HARA

GREGORY P. O'HARA

LISA A. COLE

TALLEY M. HENRY

14 Attorneys for Plaintiff DELPHON INDUSTRIES,
15 LLC dba GEL-PAK

16
17 Dated: May 13, 2011

KERR IP GROUP, LLC

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19 By /s/ MARIE MARTIN KERR

MARIE MARTIN KERR

20 Attorneys for Defendant

21 INTERNATIONAL TEST SOLUTIONS, INC.

22 **IT IS SO ORDERED:**

23
24 DATED: May 18, 2011

Paul S. Grewal
25 Honorable Paul S. Grewal,
26 United States Magistrate Judge
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